

Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-EIGHTH CONGRESS FIRST SESSION.

028383

SENATE.

MONDAY, December 3, 1923.

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the first session of the Sixty-eighth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The PRESIDENT pro tempore (ALBERT B. CUMMINS, a Senator from the State of Iowa) called the Senate to order at 12 o'clock noon.

The Chaplain, Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our gracious God and Father, we approach the throne of grace this morning with feelings of singular interest and somewhat of sadness. We mourn before Thee because of those who have passed on, and we beg Thee to remember their sorrowing ones, so that when the cry for the touch of a vanished hand and the sound of a voice that is still may not be heard, the comfort of Thine infinite consolation may be had.

We can not forget the sorrow that came to us as a Nation when there fell upon us the awful sadness of the death of the late honored President. We beseech of Thee to minister to that lonely widow, so that in the midst of her grief the infinite companionship may be had.

And so as we turn from these circumstances of awe to engage upon the duties that call us together this morning, we beseech of Thee that to the President there may be given wisdom and direction, and that he may follow the guidance of Thy spirit in all the deliberations that may come to him in his high capacity.

And so would we pray for these before Thee, our Father, who, with all the manifold duties and perplexing problems, must relate themselves to the present and to the future. We humbly beseech of Thee heavenly guidance. Blaze the pathway of duty before each, and help each to fulfill the high mission of devotion to country and devotion to the God of all nations. We humbly ask, through Jesus Christ, our Lord. Amen.

ADMINISTRATION OF OATH TO SENATORS ELECT.

The PRESIDENT pro tempore. The Secretary will call the roll of Senators elect whose credentials have been presented to the Senate, and these Senators elect will, in groups of four, come to the desk as their names are called for the purpose of taking the oath of office.

The reading clerk (John C. Crockett) called the names of Mr. ASHURST, Mr. BAYARD, Mr. BRUCE, and Mr. COPELAND.

These Senators elect, escorted by Mr. CAMERON, Mr. BALL, Mr. WELLS, and Mr. WADSWORTH, respectively, advanced to the Vice President's desk and, the oath prescribed by law having been administered to them, they took their seats in the Senate.

The reading clerk called the names of Mr. DILL, Mr. EDWARDS, Mr. FERRIS, and Mr. FESS.

As their names were called these Senators elect, escorted by Mr. JONES of Washington, Mr. EDGE, Mr. COUZENS, and Mr. WILLIS, respectively, advanced to the Vice President's desk, and the oath prescribed by law was administered to them.

The Secretary called the names of Mr. FRAZIER, Mr. GERRY, Mr. GREENE, and Mr. HALE.

As their names were called these Senators elect, escorted by Mr. LADD, Mr. COLT, Mr. MOSES, and Mr. FERNALD, respectively, advanced to the Vice President's desk, and the oath prescribed by law was administered to them.

The reading clerk called the names of Mr. HOWELL, Mr. JOHNSON of California, Mr. JONES of New Mexico, and Mr. KENDRICK.

As their names were called these Senators elect, escorted by Mr. NORRIS, Mr. SHORTRIDGE, Mr. BURSUM, and Mr. WARREN, respectively, advanced to the Vice President's desk, and the oath prescribed by law was administered to them.

The reading clerk called the names of Mr. KING, Mr. LA FOLLETTE, Mr. LODGE, and Mr. MCKELLAR.

As their names were called these Senators elect, with the exception of Mr. LA FOLLETTE, escorted by Mr. SMOOT, Mr. WALSH of Massachusetts, and Mr. SHIELDS, respectively, advanced to the Vice President's desk, and the oath prescribed by law was administered to them.

Mr. LENROOT. I was requested to announce the absence of my colleague [Mr. LA FOLLETTE] on account of illness.

The reading clerk called the names of Mr. McLEAN, Mr. MAYFIELD, Mr. NEELY, and Mr. PITTMAN.

As their names were called, these Senators elect, escorted by Mr. BRANDEGEE, Mr. SHEPPARD, Mr. ELKINS, and Mr. ODDIE, respectively, advanced to the Vice President's desk, and the oath prescribed by law was administered to them.

The reading clerk called the names of Mr. RALSTON, Mr. REED of Missouri, Mr. REED of Pennsylvania, and Mr. SHIPSTEAD.

As their names were called these Senators elect, escorted by Mr. WATSON, Mr. SPENCER, Mr. PEPPER, and Mr. BROOKHART, respectively, advanced to the Vice President's desk, and the oath prescribed by law was administered to them.

The reading clerk called the names of Mr. STEPHENS, Mr. SWANSON, Mr. TRAMMELL, and Mr. WHEELER.

As their names were called these Senators elect, escorted by Mr. HARRISON, Mr. GLASS, Mr. FLETCHER, and Mr. WALSH of Montana, respectively, advanced to the Vice President's desk, and the oath prescribed by law was administered to them.

CALL OF THE ROLL.

Mr. LODGE. Mr. President, I make the point of no quorum. The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Lodge	Shipstead
Ball	Fess	McCormick	Shortridge
Bayard	Fletcher	McKellar	Simmons
Borah	Frazier	McKinley	Smith
Brandegee	George	McLean	Smoot
Brookhart	Gerry	McNary	Spencer
Broussard	Glass	Mayfield	Stanfield
Bruce	Gooding	Moses	Stanley
Bursum	Greene	Neely	Stephens
Cameron	Hale	Norris	Swanson
Capper	Harrell	Oddie	Trammell
Colt	Harris	Overman	Underwood
Copeland	Harrison	Owen	Wadsworth
Couzens	Heffin	Pepper	Walsh, Mass.
Cummings	Howell	Phipps	Walsh, Mont.
Curtis	Johnson, Calif.	Pittman	Warren
Dial	Jones, N. Mex.	Ralston	Watson
Dill	Jones, Wash.	Ransdell	Weller
Edge	Kendrick	Reed, Mo.	Wheeler
Edwards	Keyes	Reed, Pa.	Willis
Elkins	King	Robinson	
Ernst	Ladd	Sheppard	
Fernald	Lenroot	Shields	

The PRESIDENT pro tempore. Eighty-nine Senators have answered to their names. There is a quorum present.

FURTHER ADMINISTRATION OF OATH.

Mr. LODGE. Mr. President, there are two Senators elect and one Senator appointed present—Mr. ADAMS, of Colorado; Mr. JOHNSON, of Minnesota; and Mr. DALE, of Vermont—who were selected during the recess of Congress. I ask unanimous consent that their credentials may now be presented and that they may be sworn in.

The PRESIDENT pro tempore. The Chair lays before the Senate the credentials of the three Senators mentioned by the

Senator from Massachusetts, which the Secretary will read in order.

The reading clerk read as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Colorado, I, William E. Sweet, the governor of said State, do hereby appoint Hon. ALVA B. ADAMS, a Senator from said State, to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Hon. Samuel D. Nicholson, is filled by election, as provided by law.

Witness: His excellency our governor's signature and our seal hereto affixed at Denver, this 17th day of May, in the year of our Lord 1923.

By the governor:

[SEAL]

WILLIAM E. SWEET, Governor.
CARL S. MILLIKEN,
Secretary of State.
CHARLES ARMSTRONG,
Deputy Secretary of State.

STATE OF MINNESOTA,
Department of State.

To the Senate of the United States:

I, Mike Holm, secretary of state of the State of Minnesota, do hereby certify that at an election held throughout the State of Minnesota on Monday, the 16th day of July, 1923, by the electors in said State of Minnesota having the qualifications requisite for electors of the most numerous branch of the legislature of said State, MAGNUS JOHNSON, a resident of Meeker County, in said State, was by said electors duly elected and chosen a United States Senator from the State of Minnesota to fill the vacancy in the Senate of the United States caused by the death of Senator Knute Nelson, late of Minnesota, and to represent said State of Minnesota in the Senate of the United States for and during the unexpired term of said Senator Knute Nelson, deceased, ending March 4, 1925.

I do further certify that said election was duly held pursuant to and in accordance with the laws of the State of Minnesota and a writ of election issued by the Governor of Minnesota on and under date of May 17, 1923, in compliance with the provisions of the seventeenth amendment to the Constitution of the United States, and that a certified and correct copy of said writ of election is attached hereto, made a part hereof, and marked "Exhibit A."

I do further certify that at said election so held as aforesaid on Monday, the 16th day of July, 1923, the candidates for the said office of United States Senator for said unexpired term of said Senator Knute Nelson, deceased, were J. A. O. Preus, Republican; Magnus Johnson, Farmer-Labor; and James A. Carley, Democrat; that each of said candidates had been and was duly nominated at a primary election held throughout said State of Minnesota on Monday, June 18, 1923, pursuant to said writ of election and the laws of said State; and that a certified and correct copy of the official report of the canvassing board of said State upon said primary election is attached hereto, made a part hereof, and marked "Exhibit B."

I do further certify that the name and party designation of each of said candidates so nominated was placed upon all ballots used at the said election held as aforesaid on Monday, the 16th day of July, 1923, as required by the laws of the State of Minnesota and said writ of election; that the returns from said election were duly and lawfully canvassed by the State canvassing board of Minnesota, and that the result of said election has been declared and certified by said State canvassing board, as follows:

J. A. O. Preus received 195,319 votes;
Magnus Johnson received 290,165 votes; and
James A. Carley received 19,311 votes.

And that a certified and correct copy of the official report of said State canvassing board upon said election held on July 16, 1923, as aforesaid, is attached hereto, made a part hereof, and marked "Exhibit C."

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Minnesota, at the capitol in St. Paul, Minn., this 28th day of July, A. D. 1923.

[SEAL]

MIKE HOLM,
Secretary of State of the State of Minnesota.

STATE OF VERMONT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1923, PORTER H. DALE was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the

United States for the balance of the term of six years, beginning on the 4th day of March, 1921, to fill the vacancy caused by the death of William P. Dillingham.

Witness: His excellency our governor, Redfield Proctor, and our seal hereto affixed at Montpelier this 13th day of November, in the year of our Lord 1923.

[SEAL]

REDFIELD PROCTOR,
Governor.

By the governor:

AARON H. GROUT,
Secretary of State.

The PRESIDENT pro tempore. The credentials will be placed on file; and if the Senators elect and the Senator appointed will present themselves at the desk, the oath will be administered to them.

Mr. DALE escorted by Mr. GREENE, Mr. ADAMS escorted by Mr. PHIPPS, and Mr. JOHNSON of Minnesota escorted by Mr. SHIPSTEAD advanced to the Vice President's desk, and, the oath prescribed by law having been administered to them, they took their seats in the Senate.

LIST OF SENATORS.

Alabama.—Oscar W. Underwood and J. Thomas Heflin.
Arizona.—Henry F. Ashurst and Ralph H. Cameron.
Arkansas.—Joseph T. Robinson and Thaddeus H. Caraway.
California.—Hiram W. Johnson and Samuel M. Shortridge.
Colorado.—Lawrence C. Phipps and Alva B. Adams.
Connecticut.—Frank B. Brandegee and George P. McLean.
Delaware.—L. Heisler Ball and Thomas F. Bayard.
Florida.—Duncan U. Fletcher and Park Trammell.
Georgia.—William J. Harris and Walter F. George.
Idaho.—William E. Borah and Frank R. Gooding.
Illinois.—Medill McCormick and William B. McKinley.
Indiana.—James E. Watson and Samuel M. Ralston.
Iowa.—Albert B. Cummins and Smith W. Brookhart.
Kansas.—Charles Curtis and Arthur Capper.
Kentucky.—A. Owsley Stanley and Richard P. Ernst.
Louisiana.—Joseph E. Ransdell and Edwin S. Broussard.
Maine.—Bert M. Fernald and Frederick Hale.
Maryland.—Ovington E. Weller and William C. Bruce.
Massachusetts.—Henry Cabot Lodge and David I. Walsh.
Michigan.—James Couzens and Woodbridge N. Ferris.
Minnesota.—Henrik Shipstead and Magnus Johnson.
Mississippi.—Pat Harrison and Hubert D. Stephens.
Missouri.—James A. Reed and Selden P. Spencer.
Montana.—Thomas J. Walsh and Burton K. Wheeler.
Nebraska.—George W. Norris and Robert B. Howell.
Nevada.—Key Pittman and Tasker L. Oddie.
New Hampshire.—George H. Moses and Henry W. Keyes.
New Jersey.—Walter E. Edge and Edward I. Edwards.
New Mexico.—Andrieus A. Jones and Holm O. Bursum.
New York.—James W. Wadsworth, jr., and Royal S. Copeland.
North Carolina.—F. M. Simmons and Lee S. Overman.
North Dakota.—Edwin F. Ladd and Lynn J. Frazier.
Ohio.—Frank B. Willis and Simeon D. Fess.
Oklahoma.—Robert L. Owen and J. W. Harreld.
Oregon.—Charles L. McNary and Robert N. Stanfield.
Pennsylvania.—George Wharton Pepper and David A. Reed.
Rhode Island.—LeBaron B. Colt and Peter G. Gerry.
South Carolina.—Ellison D. Smith and Nathaniel B. Dial.
South Dakota.—Thomas Sterling and Peter Norbeck.
Tennessee.—John K. Shields and Kenneth McKellar.
Texas.—Morris Sheppard and Earle B. Mayfield.
Utah.—Reed Smoot and William H. King.
Vermont.—Frank L. Greene and Porter H. Dale.
Virginia.—Claude A. Swanson and Carter Glass.
Washington.—Wesley L. Jones and C. C. Dill.
West Virginia.—Davis Elkins and M. M. Neely.
Wisconsin.—Robert M. LaFollette and Irvine L. Lenroot.
Wyoming.—Francis E. Warren and John B. Kendrick.

NOTIFICATION TO THE PRESIDENT.

Mr. LODGE submitted the following resolution (S. Res. 1), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

The PRESIDENT pro tempore appointed Mr. LODGE and Mr. ROBINSON as the committee.

NOTIFICATION TO THE HOUSE.

Mr. LODGE submitted the following resolution (S. Res. 2), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

HOUR OF DAILY MEETING.

Mr. LODGE submitted the following resolution (S. Res. 3), which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

DEATH OF THE LATE SENATOR NICHOLSON.

Mr. PHIPPS. Mr. President, it is my sad duty to refer to the passing of my late colleague and friend, Senator SAMUEL D. NICHOLSON, of Colorado. I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Colorado offers a resolution, which will be read by the Secretary.

The resolution (S. Res. 4) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. SAMUEL D. NICHOLSON, late a Senator from the State of Colorado.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DEATH OF THE LATE SENATOR NELSON.

Mr. SHIPSTEAD. Mr. President, it becomes my sad duty to announce to the Senate the death of the Hon. KNUTE NELSON, late a Senator from the State of Minnesota.

Senator NELSON died April 28, 1923, having arrived at the ripe old age of 80 years, 45 of which had been spent in public service, the last 28 as a Member of this body.

Senator NELSON was a remarkable man, a strong, sturdy, self-reliant figure. This, however, is not the time nor the proper occasion for extended remarks. Upon some other occasion I shall ask the Senate to set aside a day upon which his colleagues may pay tribute to his work and worth as a man and a legislator.

I offer the resolution which I send to the desk and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Minnesota offers a resolution, which will be read.

The resolution (S. Res. 5) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. KNUTE NELSON, late a Senator from the State of Minnesota.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DEATH OF THE LATE SENATOR DILLINGHAM.

Mr. GREENE. Mr. President, it is my solemn duty thus formally to announce to the Senate the death of Senator WILLIAM P. DILLINGHAM, which took place in Vermont on July 12, during the vacation of Congress. I am privileged to say in behalf of his family that for many years Senator DILLINGHAM has made known to them that in the event he should, as the saying is, die in the harness, it was his request that the Senate hold no formal memorial exercises on his account.

I offer the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Vermont offers a resolution, which will be read by the Secretary.

The resolution (S. Res. 6) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. WILLIAM P. DILLINGHAM, late a Senator from the State of Vermont.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. GREENE. Mr. President, as a further mark of respect to the memory of the deceased Senators, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 4, 1923, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, December 3, 1923.

This day, in compliance with the provisions of the Constitution, the Members elect of the House of Representatives of the Sixty-eighth Congress met in their Hall, and at 12 o'clock noon were called to order by William Tyler Page, the Clerk of the last House.

The Chaplain of the last House, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God and our heavenly Father, unto whom all hearts are open and all desires are known, lighten our eyes that we may be deeply sensible of Thy presence and conscious of our responsibilities. The star in our Nation's firmament that has so lately shone is dimmed, and with abiding sorrow we accept the rule of Thy sovereign will. The past is closed and the fruits of the years belong to our Republic by inheritance. The door of the future is now ajar. Oh, make us wise and strong as we move forward with the duties that await us. Bless and guide our President in every way.

We lift our eyes unto the hills from whence cometh our strength; our help cometh from the Lord; above all and over all is Thy loving and wise providence. Hitherto Thou hast led us and we thank Thee. Thy hand has guided and shaped our Republic in the past. Continue to be the pilot in the lookout of the ship of state, and direct every citizen in the land to lay his best gifts upon the altar of his country. May the liberties, opportunities, and the richest blessings of the people be safeguarded by the best and the wisest service. Scatter the flowers of peace and plenty upon all waste places and make all homes radiant with Christian gladness; and may the genius of free government continue to bless all our people. Through Jesus Christ, our Lord. Amen.

The CLERK. Representatives elect, this is the day fixed by the Constitution of the United States for the meeting of the Sixty-eighth Congress of the United States of America. The Clerk of the House of Representatives of the Sixty-seventh Congress will read the names of those present whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States. As the roll is called in the alphabetical order of the States Representatives elect will answer to their names to determine whether a quorum is present.

The roll was called showing the presence of the following Members:

ALABAMA.

Lister Hill.
Miles C. Allgood.
Henry B. Steagall.
Edward B. Ahman.
Lamar Jeffers.
George Huddleston.
William B. Bowling.
William B. Oliver.
William B. Bankhead.

ARIZONA.

Carl Hayden.

ARKANSAS.

Heartsill Ragon.
J. B. Reed.
Tilman B. Parks.

CALIFORNIA.

Clarence F. Lea.
Henry E. Barbour.
John E. Raker.
Arthur M. Free.
Charles F. Curry.
Walter F. Lineberger.
Julius Kahn.
John D. Fredericks.
Mae E. Nolan.
Philip D. Swing.
James H. MacLafferty.

COLORADO.

William N. Vaile.
Guy U. Hardy.
Charles B. Timberlake.
Edward T. Taylor.

CONNECTICUT.

E. Hart Fenn.
Schuyler Merritt.
Richard P. Freeman.
Patrick B. O'Sullivan.
John Q. Tilson.

DELAWARE.

William H. Boyce.

FLORIDA.

Herbert J. Drane.
John H. Smithwick.
Frank Clark.
William J. Sears.

GEORGIA.

R. Lee Moore.
Charles H. Brand.
Charles R. Crisp.
Thomas M. Bell.
William C. Wright.
Carl Vinson.
William D. Upshaw.
William C. Lanford.
Gordon Lee.
William W. Larsen.

IDAHO.

Burton L. French.
Addison T. Smith.